

# I. INTRODUCTION

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## A. LEGAL CONTEXT

### 1. PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (DEIR) evaluates the potential environmental effects associated with the adoption, implementation and buildout of the North Park Street Regulating Code by the City of Alameda, California. A more detailed description of the North Park Street Code is provided in Section III: Project Description, of this DEIR. The full text of the North Park Street Code is available for review at <http://www.cityofalamedaca.gov/City-Hall/Community-Development>.

### 2. THE DEIR AS AN INFORMATIONAL DOCUMENT

This DEIR has been prepared to comply with the California Environmental Quality Act, California Public Resources Code, Section 21000 et seq., (“CEQA”), and the CEQA Guidelines (California Code of Regulations Section 1500 et seq., as amended (the “Guidelines”). The Lead Agency for the adoption of the North Park Street Regulating Code, as defined by CEQA, is the City of Alameda. Upon certification of the Final EIR as accurate, complete, and in compliance with CEQA, the City of Alameda Planning Board and City Council will decide whether to adopt the North Park Street Code as presented, to reject it, or to modify it before adoption.

This EIR is an informational document that is intended to inform public agency decision makers and the public generally about the environmental effects of the North Park Street Regulating Code, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the North Park Street Regulating Code. The EIR itself does not determine whether or not a project will be approved, but serves as an informational document in the local planning and decision-making process regarding the potential environmental effects, mitigation measures, and alternatives.

The analysis in this DEIR concentrates on the aspects of the North Park Street Regulating Code that are likely to have significant adverse effects on the environment, and identifies reasonable and feasible measures to mitigate (i.e., reduce or avoid) these effects. The CEQA Guidelines define ‘significant effect on the environment’ as “*a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project...*”.<sup>1</sup>

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<sup>1</sup> CEQA Guidelines, Section 15382.

### **3. PROGRAM-LEVEL EIR**

This document has been prepared to serve as a “Program” EIR with respect to analysis of the North Park Street Regulating Code, in accordance with Section 15168(a) of the CEQA Guidelines. Program EIRs are appropriate for projects that involve adoption of plans, such as the proposed where the environmental effects will arise later, over a potentially extended period of time, as the North Park Street Regulating Code is being implemented.

A Program EIR is intended to provide the Lead Agency with an opportunity to address a broad range of actions and alternatives, to consider their cumulative effects as a whole, to consider broad policy alternatives, and to reduce duplication of efforts and paperwork for subsequent projects. Subsequent activities of the City, other public entities, and private parties may rely on this EIR to the extent that it adequately addresses the potentially significant impacts and identifies mitigation measures that would reduce the environmental effects of such impacts.

CEQA specifically provides certain exemptions and/or review processes for future projects that fall within the scope of a Program EIR. Most generally, Section 15183 of the CEQA Guidelines states “*CEQA mandates that projects which are consistent with the development density established by existing general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.*” The section goes on to define consistency, peculiar circumstances, and to what level of detail the scope of the analysis may be limited. The section also requires that applicable, feasible mitigation measures adopted pursuant to the Program EIR must be incorporated into future projects. The City intends to use this Program EIR to the fullest extent allowed.

## **B. USE OF THIS EIR**

### **1. SUBSEQUENT DECISIONS BY THE LEAD AGENCY**

The City of Alameda is the Lead Agency and as such, the Alameda City Council will decide whether to certify this EIR. After considering certification of the Final EIR, the City will consider the information contained therein, following due consideration of public testimony and a recommendation from the Alameda Planning Board, prior to making any decisions on the North Park Street Regulating Code.

The area affected by the North Park Street Regulating Code is also included within the boundaries of the City’s Redevelopment Area. This fact makes it possible for the Alameda City Council to take redevelopment actions to facilitate the implementation of the North Park Street Regulating Code. The Council, therefore, will make numerous subsequent decisions based in part on the information contained in this EIR and pursuant to the North Park Street Regulating Code. The EIR is also intended as a source of information for other public agencies and private parties in their decision making, including those listed below as responsible and trustee agencies.

## 2. RESPONSIBLE AND TRUSTEE AGENCIES

Other agencies, referred to under CEQA as Responsible Agencies and Trustee Agencies, may have funding or permitting authority, or hold certain resources in trust that could be affected by the North Park Street Regulating Code or its implementation. Those agencies will also rely on this EIR to the extent feasible. They include, but are not necessarily limited to:

- San Francisco Bay Conservation and Development Commission (BCDC)
- East Bay Municipal Utility District (EBMUD)
- Alameda Unified School District
- California State Department of Transportation (Caltrans)
- State Office of Historic Preservation (SHPO)
- State Department of Toxic Substances Control (DTSC)
- Regional Water Quality Control Board (RWQCB)
- Pacific Gas and Electric Company (PG&E)
- Bay Area Air Quality Management District (BAAQMD)
- AC Transit
- Alameda County Congestion Management Agency (ACCMA)
- Metropolitan Transportation Commission (MTC)

## 3. OTHER PERMITS

The Responsible and Trustee agencies listed above may have jurisdiction over certain actions of private and public entities during the implementation of the North Park Street Regulating Code. Some of the permits that may be required include grading and erosion control, water quality, utility construction and connections, building inspection, traffic safety, flood control, landscaping, and payment of fees.

## 4. PUBLIC REVIEW PROCESS

### *Notice of Preparation and Initial Study*

In accordance with Section 15082 of the State CEQA Guidelines, the City prepared a Notice of Preparation (NOP) of an EIR for the project on May 16, 2011. The City was identified as the lead agency for the proposed project. The notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the proposed project. A scoping meeting was held on June 15, 2011, to receive additional comments. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses by interested parties are presented in **Appendix A**. An Initial Study for the project was prepared and released for public review along with the NOP. Its conclusions supported preparation of an EIR for the project. The Initial Study is also included in **Appendix A**.

### ***Draft EIR***

This document constitutes the Draft EIR. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives and identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. Upon completion of the Draft EIR, the City will file the Notice of Completion (NOC) with the Governor’s Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161).

### ***Public Notice/Public Review***

Concurrent with the NOC, the City will provide public notice of the availability of the Draft EIR for public review and invite comment from the general public, agencies, organizations, and other interested parties. The public review and comment period is forty-five (45) days. Public comment on the Draft EIR will be accepted both in written form and orally at a public hearing. Notice of the time and location of the hearing will be published prior to the hearing. All comments or questions regarding the Draft EIR should be addressed to:

Andrew Thomas, Planning Services Manager  
City of Alameda  
2262 Santa Clara Avenue, Room 190  
Alameda, CA 94501

### ***Response to Comments/Final EIR***

Following the public review period, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public review period and to oral comments made at any public hearing.

### ***Certification of the EIR/Project Consideration***

The City will review and consider the Final EIR. If the City finds that the FEIR is “adequate and complete,” the City may certify the FEIR. Upon review and consideration of the FEIR, the City may take action to approve, revise, or reject the proposed North Park Street Code. A decision to approve the project, for which this EIR identifies significant environmental effects, could only be made if accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and Section 15093. A mitigation monitoring program, as described below, would also be adopted for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This mitigation monitoring program will be designed to ensure that these measures are carried out during project implementation in a manner that is consistent with the EIR.

### ***Mitigation Monitoring***

State CEQA Section 21081.6(a) requires lead agencies to adopt a reporting and mitigation monitoring program to describe measures which have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The specific “reporting or monitoring” program required by CEQA is not required to be included in the EIR; however, it will be presented to the City Council for adoption. Throughout the EIR, however, mitigation

measures have been clearly identified and presented in language that will facilitate establishment of a monitoring program. Any mitigation measures adopted by the City as conditions for approval of the project will be included in a mitigation monitoring program to verify compliance.

## **C. REPORT CONTENTS AND ASSUMPTIONS**

### **1. ENVIRONMENTAL TOPIC AREAS**

This Draft EIR focuses on the areas of concern identified in the Notice of Preparation and comments submitted on the NOP. The following environmental topics are addressed in this EIR:

- A. Land Use and Public Policy
- B. Population, Employment, and Housing
- C. Municipal Services and Open Space
- D. Utilities and Infrastructure
- E. Transportation and Circulation
- F. Biological Resources
- G. Cultural Resources
- H. Noise
- I. Geology, Soils, and Seismicity
- J. Hydrology and Water Quality
- K. Air Quality and Green House Gas Emissions
- L. Hazardous Materials

### **2. REPORT ORGANIZATION**

This EIR is organized into the following chapters:

- *Chapter I – Introduction*, provides a summary of the proposed action and environmental review process; identifies potentially significant issues and concerns; and discusses the overall purpose, use, and organization of the EIR.
- *Chapter II – Executive Summary*, provides a summary of the significant impacts that would result from implementation of the proposed North Park Street Regulating Code and describes mitigation measures recommended to reduce or avoid significant impacts.
- *Chapter III – Project Description*, provides a description of the North Park Street Regulating Code in terms that are relevant to this environmental review.
- *Chapter IV – Environmental Impact Analysis*, includes a description of existing setting and the environmental analysis (impacts and mitigation measures) for each environmental technical topic. The description of existing conditions (setting) includes a list of applicable regulatory policies

(federal, State, and local). The environmental analysis section for each environmental topic describes the elements of the proposed North Park Street Regulating Code that are applicable to the subject environmental topic; provides an analysis of potential environmental impacts and their level of significance; and recommends mitigation measures to mitigate identified impacts.

Each impact is categorized *before* and *after* implementation of any recommended mitigation measure(s). Potential impacts that will require the implementation of mitigation measure(s) to be reduced to a less-than-significant level are identified as significant prior to mitigation and less than significant after mitigation. Potentially significant impacts that cannot be mitigated to a less-than-significant level are identified as significant and unavoidable after mitigation.

- *Chapter V – Alternatives*, provides an evaluation of alternative development scenarios to the proposed North Park Street Regulating Code, including a No Project alternative.
- *Chapter VI – CEQA-Required Assessment Conclusions*, provides the required analysis of the overall impacts of the proposed North Park Street Regulating Code, including: effects found not to be significant; growth-inducing impacts; the relationship between short-term uses of the environment and the enhancement of long-term productivity; significant irreversible and unavoidable impacts; and cumulative impacts for the environmental issues found to have significant effects.

### ***Structure of the Environmental Impact Analysis***

Sections 4 of this Draft EIR each contain a detailed description of current setting conditions (including applicable regulatory setting) and an evaluation of the direct and indirect environmental effects resulting from the implementation of the proposed North Park Street Code. The individual technical sections of the Draft EIR adhere to the following format.

#### ***Existing Setting***

This sub-section includes a description of the physical setting conditions associated with the technical area of discussion, consistent with State CEQA Guidelines Section 15125. As previously identified, the existing setting is based on conditions, as they existed when the NOP for the project was released on July 18, 2007.

#### ***Regulatory Framework***

This sub-section consists of the identification of applicable federal, state, regional, and local plans, policies, laws, and regulations that apply to the proposed project and technical area of discussion.

#### ***Impacts and Mitigation Measures***

The Impacts and Mitigation Measures sub-section identifies direct and indirect environmental effects associated with implementation of the proposed Code. Standards of significance are identified and used to determine whether identified environmental effects are considered “potentially significant” and require the application of mitigation measures. Each environmental impact analysis is identified numerically and is supported by substantial evidence included in the discussion.

Mitigation measures for the proposed Code were developed after a thorough review of the environmental effects of the Code. The mitigation measures identified consist of “performance standards” [the use of performance standard mitigation is allowed under State CEQA Guidelines Section 15126.4(a) and is supported by case law (*Sacramento Old City Association v. City Council of Sacramento* [3d. Dist 1991] 229 Cal.App.3d 1011, 1028 [280 Cal.Rptr. 478])] that identify clear requirements that will avoid or minimize significant environmental effects.

### **Cumulative Setting, Impacts, and Mitigation Measures**

Section 5.0, Cumulative Impacts, provides an analysis of the proposed code’s contribution to cumulative impacts to the environment. The analysis focuses on whether the Code’s contribution to significant cumulative impact is “cumulatively considerable” (State CEQA Guidelines Section 15130). A cumulative impact occurs from the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (CEQA Guidelines Section 15355(b)). Accordingly, the cumulative setting includes related past, present, and reasonably foreseeable projects in the region.

#### ***Terminology Used in the Draft EIR***

This Draft EIR uses the following terminology:

***Less than Cumulatively Considerable:*** A less than cumulatively considerable impact would result when the project would not contribute significantly to an adverse physical impact on the environment expected under cumulative conditions.

***Cumulatively Considerable:*** A cumulatively considerable impact would result when the project would contribute significantly to an adverse physical impact on the environment expected under cumulative conditions.

***Less Than Significant Impact:*** A less than significant impact would cause no substantial change in the physical condition of the environment (no mitigation would be required for project effects found to be less than significant).

***Significant Impact:*** A significant impact would cause (or would potentially cause) a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project effects using specified standards of significance provided in each technical section of the EIR. Identified “significant” impacts are those where the project would result in an impact that can be measured or quantified. Mitigation measures and/or project alternatives are identified to avoid or reduce to a less than significant level project effects to the environment.

***Potentially Significant:*** Potentially significant impacts are those impacts where an exact measurement of the project’s effect cannot be made but substantial evidence indicates that the impact would exceed standards of significance. A potentially significant impact may also be an impact that may or may not occur and where a definite determination cannot be foreseen. Mitigation

measures and/or project alternatives are identified to avoid or reduce to a less than significant level project effects to the environment.

***Significant Unavoidable Impact:*** A significant and unavoidable impact would result in a substantial change in the environment that cannot be avoided or mitigated to a less than significant level if the project is implemented.

***Standards of Significance:*** A set of significance criteria used by the CEQA lead agency (City of Alameda) as well as by other public agencies with regulatory jurisdiction over the project to determine at what level or “threshold” an impact would be considered significant. Significance criteria used in this EIR include the State CEQA Guidelines; factual or scientific information; regulatory performance standards of local, state, and federal agencies; and City goals, objectives, and policies. Specified significance criteria are identified at the beginning of the impact analyses of each technical section of the EIR.

***Subsequent Projects:*** Anticipated activities (e.g., future actions to approve development projects in the plan area consistent with the Code) that would occur in the future and would implement the Code and General Plan.

## ANALYSIS ASSUMPTIONS

### ***Baseline Environmental Conditions Assumed in the Draft EIR***

Section 15125(a) of the State CEQA Guidelines requires that an EIR include a description of the physical environmental conditions in the vicinity of a project, as they exist at the time the Notice of Preparation (NOP) is published. The CEQA Guidelines also specify that this description of the physical environmental conditions is to serve as the baseline physical conditions by which a lead agency determines whether impacts of a project are considered significant.

The environmental setting conditions of the City of Alameda and the surrounding region are described in detail in the individual technical sections of the Draft EIR (see Sections 4.1 through 4.4). In general, these setting discussions describe the setting conditions of the City of Alameda and the surrounding area as they generally existed when the NOP for the project was released in June 2011.

### ***Growth Forecast and Development Estimates***

For the purposes of evaluating the potential environmental impacts of adoption and implementation of the proposed North Park Street Regulating Code, growth and development forecasts were developed for the Plan area and Alameda. For the purposes of projecting future traffic volumes, this EIR used the growth projections for the year 2030 and traffic models to project traffic volumes in Alameda in the year 2030. The future year estimates are based upon data and information developed by the U.S. Census Bureau, the Association of Bay Area Governments (ABAG), the Alameda County Congestion Management Agency (CMA), City of Oakland development forecasts, and an analysis of City of Alameda redevelopment areas, housing element land availability tables, recently approved and anticipated developments, and long and short term development goals articulated in



the City of Alameda General Plan, Zoning Ordinance, and various local area plans and development agreements.

The North Park Street Regulating Code is designed to implement General Plan policies and objectives. For that reason, the development projections within the North Park Street plan area are consistent with General Plan development projections for the area. The projections assume that many existing uses, such as residential homes and many commercial uses will remain, that some commercial uses will transition to other commercial uses, and that certain sites, particularly on the blocks facing Park Street will experience redevelopment at a higher intensity than currently exists on those blocks. For the purposes of this EIR, the General Plan projections for the area are used to project potential environmental impacts associated with redevelopment of the area consistent with the code.

<b>Land Use</b>	<b>2010 Estimate</b>	<b>2030 Estimate</b>	<b>Difference/Growth</b>
<b>Households</b>	700	900	200
<b>Employment</b>			
Manufacturing	120	160	40
Retail/ Wholesale	270	325	55
Services	400	660	220
Other	340	500	160
<b><u>Employment</u></b>			
<b>Total</b>	1,130	1,645	515

Under the proposed Park Street Code standards and regulations, and given the current land use patterns, it may be expected that the majority of the new housing units and the new jobs projected to occur over the 20 year period would occur in the Park Street General sub district, the Waterfront District and the Work Place district. The Mixed Use District and the Residential District are the most restrictive districts in the code (they are designed to maintain and enhance the existing land use patterns and building types) and these two districts are also predominately developed by existing residential uses and small commercial uses in residential buildings. Therefore there is very little capacity for new development in these two sub districts and the opportunities for additional development in the two areas is extremely limited.